

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 3, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:34 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of February 24, 2003, reported having done so, found same correct.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

APPLICATION OF LEO SCHERER DBA "SKY LOUNGE" FOR A CLASS "C" LIQUOR LICENSE AT 3200 N.W. 12TH STREET - Leo Scherer, no address given, took oath & came forward to answer any questions.

Darrell Stock, 1115 K street, #104, came forward as Mr. Scherer's attorney and was available to answer any questions.

Bob Valentine, 2660 Park Avenue, took oath, came forward to express his disapproval at allowing another liquor license when their isn't enough Police protection.

This matter was taken under advisement.

AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND RIDGE DEVELOPMENT CO. AND SOUTHVUE INC. FOR AN EXCHANGE OF THREE CITY OWNED RESIDENTIAL LOTS (LOTS 16, 17, AND 18, OLYMPIC HEIGHTS 1ST ADDITION) FOR A ONE-ACRE OUTLOT (OUTLOT "A", BLOCK 5, HIGHLANDS WEST 1ST ADDITION) - Lynn Johnson, Director of Parks & Recreation Dept., stated that the three lots will be transferred to Nebraska Housing Resources and affordable housing would be developed on those lots. The neighbors are interested in acquiring a narrow strip of land around the west and south sides of this lot to enlarge their backyards. The one acre outlot would be an addition to Highlands South Park. Discussion followed.

Tom Reisher, 5438 N.W. Fairway Drive, came forward to strongly support the one acre piece being adjoined to the park.

DaNay Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Ridge Development and Southview Inc. to state they are in support of the exchange.

This matter was taken under advisement.

AMENDING SECTION 12.08.070 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE REGULAR HOURS PARKS ARE OPEN TO THE PUBLIC FROM 6:00 A.M. TO MIDNIGHT, TO 5:00 A.M. TO 11:00 P.M., AND ESTABLISHING HOURS OF OPERATION FOR PIONEERS PARK AND FOR COMMUTER/RECREATION TRAILS - Lynn Johnson, Director of Parks and Recreation Dept., stated the change of park hours is requested to address the vandalism happening late at night and to accommodate those who like to exercise early in the morning. Activities officially sanctioned by the Parks & Recreation Dept. would be allowed to continue as long as they conclude by midnight. Pioneers Park would be open from 6:00 a.m. to 11:00 p.m. during daylight savings time and from 7:00 a.m. to sunset during evening hours because the gates are closed. Discussion followed.

Bob Valentine, 2660 Park Avenue, stated changing the hours of the parks is not going to solve the vandalism problem. He feels hiring more Police officers is what's needed.

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St., suggested the Parks Department talk to the Neighborhood Watch to set up a park watch.

Craig Groat, 4935 Huntington Avenue, stated that the best way to reduce vandalism in the parks is to encourage the use by other people including up to midnight. He suggested a bicycle patrol. Further discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3386 - APPLICATION OF GARY AND CAROLYN CHRISTENSEN AND DELISI

BROTHERS, INC. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. CODDINGTON AVE. AND W. O STREET.(IN CONNECTION W/03R-50);
ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF G & C ADDITION FOR 15 LOTS AND 1 OUTLOT, WITH WAIVERS OF THE REQUIRED STREET FRONTAGE, STREET PAVING, CURB AND GUTTER, SIDEWALKS, STREET TREES, AND TURNAROUND AT DEAD-END STREETS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. CODDINGTON AVE. AND W. O STREET.(IN CONNECTION W/03-36) - Ken Svoboda, Council Member, moved to delay Bill No. 03-36 for one week to March 10, 2003.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY, COUNTY, AND UNITED WAY FOR THE IMPLEMENTATION OF THE COMMUNITY BASED HUMAN NEEDS ASSESSMENT IN CONNECTION WITH THE UNIVERSITY OF NEBRASKA PUBLIC POLICY CENTER - Bob Valentine, 2660 Park Avenue, asked how much this agreement would cost the City.
Chairman Cook stated it would be \$35,000.00.
This matter was taken under advisement.

APPOINTING ROB D. HACKWITH TO THE CABLE ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2003 - Bob Valentine, 2660 Park Avenue, suggested the appointee's resume be attached to the agenda for the public to view.
Carol Brown, 2201 Elba Circle, came forward in support of Rob D. Hackwith's appointment.
This matter was taken under advisement.

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE, NOT MORE THAN TEN MILLION DOLLARS, FOR EXTENSION OF IMPROVEMENTS TO THE CITY'S STORM SEWER AND DRAINAGE SYSTEM AT THE MAY 6, 2003, CITY GENERAL ELECTION - Loren Wismer, Gilmore and Bell, came forward to answer any questions and stated that the resolution needs to be filed with the Election Commission 50 days prior to the election being called.
Jon Camp, Council Member, asked if these bonds could be done less frequently since there is a fee assessed each time they are put on the ballot.
Mr. Wismer stated that the only limitation is in the City Charter. If a bond election is approved by the voters that authorization is good for a period of six years. If the bonds are not issued by the end of the six year period the authorization expires.
Chairman Cook asked what the interest would be on these and is there any advantage to waiting.
Mr. Wismer stated that the interest rate is extremely low so it is a good time for the City to borrow money.
Don Herz, Finance Director, stated the last bond issue was 2002 and the all inclusive rate was about 4.8%. At this point it is expected to be in the range of 4%. It will be determined at the time the debt is issued. There will be additional expense only if there's a special election.
Dana Roper, City Attorney, stated that the City has to pay for their space on the ballot and the cost depends on how much space is taken and typically a ballpark figure would be \$20,000.00.
Bob Valentine, 2660 Park Avenue, asked if outside non-governmental firms are used to prepare bond issues how are they selected and is it a competitive process?
Bob Van Valkenburg, 7921 Reno Rd., asked who the bond underwriter was? Is this impacted by impact fees?
Chairman Cook stated that impact fees do not cover storm sewers.
Mr. Herz answered that it will be a competitive sale in which case the underwriter will be selected through a competitive process. In fact they are strongly considering using an internet sale. Additional costs involve our financial advisor which is Ameritas.
Nicole Fleck-Tooze, Public Works Department, stated that the only method of financing capital improvements for storm water are the storm water bond issues. The plan for financing storm water improvements is shown in the C.I.P. and it is a bond issue on a bi-annual basis.
Discussion followed.
This matter was taken under advisement.

ORDERING SIDEWALK IMPROVEMENT DISTRICT 94 CONSTRUCTED IN THE AREA BOUNDED ON THE NORTH BY FLETCHER AVE., ON THE EAST BY 84TH STREET, ON THE SOUTH BY

YANKEE HILL ROAD, AND ON THE WEST BY N.W. 27TH STREET - Harry Kroos, Public Works & Utilities, stated that the construction of the sidewalks were included in the Sidewalk District brought forward a month ago and this allows them to get the contract out and get the work underway this spring.

This matter was taken under advisement.

AUTHORIZING NADER SEPAHPUR DBA OSO BURRITO TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 1451 O STREET FOR USE AS A SIDEWALK CAFÉ - Nader Sepahur, 1351 O Street, came forward to answer questions and stated he heard that there was an amendment to change the time of closing down the sidewalk café at 10:00 p.m. instead of 11:00 p.m. and he feels that will not accomplish anything. The only time he has problems on that block is when the bars close at 12:30 or 1:00 in the morning. The fencing is such that it can be torn down within 10 minutes after closing.

Bob Van Valkenburg, 7921 Reno Rd., asked if there were going to be people drinking beer on Lincoln's downtown sidewalks?

Jeff Cole, Urban Development Department & Facilitator for the Sidewalk Café Committee, stated the reason for the 10:00 p.m. time was determined by the Police Department because they feel it is important to clear the sidewalk from additional intrusion for the high volume of pedestrian activity that takes place on closing of the bars. Discussion followed.

Russ Fosler, Police Department, explained that when they applied for a liquor license it was discovered that they did not have a sidewalk café permit. The Police Department felt it was a bad idea to be serving alcohol on the sidewalk on Thursday, Friday & Saturday nights so to compromise with the owner they would work with him to get a sidewalk café with the understanding that after either 10:00 p.m. or 11:00 p.m. all alcohol sales cease and everything cleaned up so when there's a large influx of people coming out into the street there wouldn't be a problem. They didn't want this to turn into a beer garden. They were not going to allow any sidewalk café's in this area, but due to an oversight of Mr. Fosler the Yia Yia sidewalk café permit was allowed. Discussion followed.

Mr. Camp felt that removing the fencing each night would be tedious especially on Friday and Saturday nights. He would like to delay this for one week to have time to talk to Captain Citta of the Police Department. Further discussion followed.

Coleen Seng moved to continue public hearing & delay action for one week to March 10, 2003.

Bob Valentine, 2660 Park Avenue, again stated he is in favor of spending money on more Police protection. He would like to see a return to fundamental issues of government which are education, roads and protection.

Mr. Sepahpur said he doesn't feel the need for delay since this was done in the spirit of cooperation that he would have a nice heavy fence that could be dismantled in a matter of minutes and that has been submitted and approved. He stated that between the hours of 10:00 to 12:30 there's no congestion of people at this site. On football Saturdays there certainly is a problem of overcrowding.

Mr. Werner is in support of the delay because of the larger issue of changing the policy of sidewalk cafés.

Mr. Sepahpur suggested that the sidewalk cafés should have to serve food to be able to serve alcohol which is not on the permit now.

Chairman Cook stated that there was a motion on the floor to continue public hearing with action for one week.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

This matter was taken under advisement.

APPROVING MOOSE LOYAL ORDER 175 AT 4901 N. 56TH STREET AS A KENO SATELLITE SITE - John Hewitt, Big Red Keno, came forward to answer any questions and to state that Bunkers has closed.

This matter was taken under advisement.

SPECIAL PERMIT 1968 - APPLICATION OF THE CARROL C. KETELHUT IRREVOCABLE TRUST TO DEVELOP PIONEER RIDGE COMMUNITY UNIT PLAN CONSISTING OF 7 SINGLE FAMILY ACREAGES ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND

PIONEER BLVD.(IN CONNECTION W/03R-52) (CON'T. PUBLIC HEARING& DELAYED ACTION TO 3/10/03, 7-0);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PIONEER RIDGE CONSISTING OF 7 LOTS AND 3 OUTLOTS, WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PIONEERS BLVD.(IN CONNECTION W/03R-51) - Brian Carstens, 2935 Pine Lake Rd., Suite H, appearing on behalf of Carrol C. Ketelhut Irrevocable Trust came forward to ask for waivers of the sidewalks, street trees and landscape screens which are permitted since these are lots larger than one acre and is not being annexed into the City at this time. They are also asking for a block length waiver along 112th & Pioneer and then the southern tip of the project because it's clustering it up in the western portion. They are not asking for any bonuses. Discussion followed.

Mike DeKalb, Planning Department, stated that this subdivision partially meets your goals of build through because it will pump up the standard several levels above what you've got. The fact that we've got the connections for future growth to the east and the west, we don't have the bonus and don't have the outlot tied up so it can be easily replatted at a later time. Further discussion followed.

Bob Van Valkenburg, 7921 Reno Rd., stated that if requirements are going to be waived why not take them off the books.

Craig Groat, 4935 Huntington Avenue, stated that aesthetics are the primary element of the City. It sets the lifestyle, the behavior of people.

Glen Cekal, 1420 C St., came forward against the waivers. He is in favor of trees.

Mike DeKalb, Planning Department, stated that on acreage subdivision there's always a list of request for waivers. The City & County subdivision codes specifically provides that waivers may be granted for several of the requirements of subdivisions. These include streets, sidewalks, street trees, street lights where they're over one acre in size and will not be annexed into the City limits. The reason the waiver provisions are in the code is that basically they're a rural cross section, they're going to be in the ditch. They will be reconstructing that road when it's urban standard at a later date. When those three acre lots are later subdivided in the City limits subdivision regulations apply, that waiver provision no longer applies and we will get sidewalks, street trees, paving, curb and gutter, storm sewer, the whole nine yards.

Mr. Werner asked if there was any way to require and agree to urbanize the entire project when annexed.

Mr. DeKalb answered that it is on the table, part of the package for bills written is how do we get those folks to agree ahead of time to what's going to happen when it gets annexed. Further discussion followed.

Mr. Werner moved to continue public hearing w/action for one week.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

This matter was taken under advisement.

SPECIAL PERMIT 1971 - APPLICATION OF VALCOM WIRELESS CORP. TO INSTALL A 143' WIRELESS COMMUNICATIONS FACILITY WITH FIVE CARRIERS, WITH WAIVERS OF THE FALL ZONE AND LANDSCAPING, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HAVELOCK AVE. AND CORNHUSKER HWY. - Terry Jones, representing Valcom Wireless Corporation, Malcolm, Nebraska, came forward to answer questions.

Mr. Friendt asked why these waivers should be granted.

Mr. Jones answered that there really isn't any place to put trees. An AEI structure, which to LES is an approved electrical structure, is being proposed in the fall zone.

Bob Van Valkenburg, 7921 Reno Rd., asked that safety be a consideration & how will it be guaranteed.

Carol Brown, 2201 Elba Circle, would like to see a letter from LES and the Railroad stating they don't want trees in this area. She would like to have this area buffered.

Craig Groat, 4935 Huntington Avenue, feels that trees should never be waived.

Glen Cekal, 1420 C St., stated this area is a concrete jungle and needs to be softened up.

Brian Will, Planning Department, stated it would be very difficult to put in landscaping and coupled with the fact there's existing utility

poles in close proximity also. It looks like it would be very difficult to get trees that would survive. Some of the concrete or driveways would have to be removed. Discussion followed.

Terry Bundy, Lincoln Electric System, was not familiar with this area to comment. Discussion followed.

Mr. Werner moved to continue public hearing with action for one week to see if there's a place for landscaping that would help.

Mr. Jones said they really did study the area and checked all avenues for putting in trees. There's a billboard located on this site at the front. Anything put in will have to be lower than the billboard or change the billboard. That would be the most accessible area to be able to plant any vegetation. Discussion followed.

Mr. Wills stated that if the waiver is not granted to the design standard they will have to come forward with some alternative that meets the intent of the ordinance of the design standard.

Chairman Cook stated the motion is before us to continue public hearing with action next week. If there's no further discussion we'll vote on that motion to delay.

Seconded by Seng & **LOST** by the following vote: AYES: Cook, Seng, Werner; NAYS: Camp, Friendt, McRoy, Svoboda.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF FEBRUARY 1 - 15, 2003 - Bob Van Valkenburg, 7921 Reno Rd., suggested the construction company be required to indemnify & hold harmless the City of Lincoln from any damages that might occur to people or property if the tower discussed in the previous item falls over and the waiver is granted.

This matter was taken under advisement.

APPROVING THE BROOM FACTORY REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND B&J PARTNERSHIP FOR THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 1025 AND 1017 N. 27TH STREET - Wynn Hjermstad, Urban Development Department, stated this area between X and Y Streets is one of the most blighted areas that there is. She proceeded to explain the contents of this agreement.

Joel Pedersen, Assistant City Attorney, brought forth a substitute right-of-entry agreement, an attachment to the redevelopment agreement. This allows access to the property. Exhibit "D" will be substituted with the right-of-entry agreement. The two slight changes deal with insurance provisions so that's correlated.

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St., asked if this substitution "D" was advertised to the public prior to the meeting?

Mr. Pedersen answered that the substitution itself was not advertised, however, the changes are not substitute. They have to deal with and they're on two paragraphs. One was in the original agreement, it is understood and agreed that the City shall not be liable for trespass or any other damage or taking of any kind arising out of entering on the property. The request was to add, "except to the extent it was caused by the negligence or wilful misconduct of the City". The second change says we're requiring insurance to the extent it's practical or feasible to name B & J as a property owner for their improvements as additional insured. And, then correspondingly waiving claims against each other for subrogation in the event of an insurance claim under that additional insured policy. They don't affect any of the uses or sources. They are not substantive in nature, merely technical.

Bob Van Valkenburg, 7921 Reno Rd., feels that the people of Lincoln should have a chance to see it, read it and digest it and see if they go along with any substitutions before it is voted on.

This matter was taken under advisement.

TOOK BREAK 4:00 P.M.

RECONVENED 4:18 P.M.

AMENDING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POWERS AND DUTIES OF THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD TO AUTHORIZE THE LINCOLN ELECTRIC SYSTEM TO PROVIDE TELECOMMUNICATIONS SERVICES. (2/24/03 - PUBLIC HEARING & ACTION CONTINUED TO 3/3/03) - Steve Kiene, 7201 N 7th Street, owner of CEO Accelerate, stated that he

is the largest user of internet bandwidth in the City. He stated if Lincoln wants to attract high tech companies and bring in high paying, high tech jobs to town then they should pass this ordinance. Discussion followed.

Kimberly Remington, Director of Member Services and Administration for the Nebraska Telecommunications Association, came forward to read two letters. The first letter is from Charles G. Simino, Sprint's Manager-Government Affairs for Nebraska and Wyoming and the second letter is from the Technology Park of the University of Nebraska. They are in opposition. Discussion followed.

Martha Lee Heyne, Chair of Chamber of Commerce, recommended the vote be postponed until after the City election and until the completion of the Angelou Economic study. Discussion followed.

Bruce Bohrer, Chamber of Commerce Governmental Affairs Counsel, came forward to answer questions. Discussion followed.

Frank Hilsabeck, retired from Alltel, came forward in opposition. Discussion followed.

Terry Bundy, Administrator & CEO of Lincoln Electric System, came forward for rebuttal stating that LES has asked for authorization to utilize their fiber optic system to support economic development in Lincoln. Discussion followed.

TOOK BREAK 6:15 P.M.

RECONVENED 6:28 P.M.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Street, came forward to discuss the Charter of the City Council requiring that weekly meetings be held.

Dana Roper, City Attorney, advised Mr. Groat that during the last session of the State Legislature, action was taken that allowed a city of the size of Lincoln, to not have a meeting in which the week had a holiday.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LEO SCHERER DBA "SKY LOUNGE" FOR A CLASS "C" LIQUOR LICENSE AT 3200 N.W. 12TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81957 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Leo Scherer dba "Sky Lounge" for a Class "C" liquor license at 3200 N.W. 12th Street, Lincoln, Nebraska, for the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND RIDGE DEVELOPMENT CO. AND SOUTHVUE INC. FOR AN EXCHANGE OF THREE CITY OWNED RESIDENTIAL LOTS (LOTS 16, 17, AND 18, OLYMPIC HEIGHTS 1ST ADDITION) FOR A ONE-ACRE OUTLOT (OUTLOT "A", BLOCK 5, HIGHLANDS WEST 1ST ADDITION) - CLERK read

an ordinance, introduced by Glenn Friendt, authorizing an agreement between the City and Ridge Development Co. and Southview Inc. for an exchange for three city owned residential lots (Lots 16, 17, and 18, Olympic Heights 1st Addition) for a one-acre outlot (Outlot "A", Block 5, Highlands West 1st Addition), the second time.

AMENDING SECTION 12.08.070 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE REGULAR HOURS PARKS ARE OPEN TO THE PUBLIC FROM 6:00 A.M. TO MIDNIGHT, TO 5:00 A.M. TO 11:00 P.M., AND ESTABLISHING HOURS OF OPERATION FOR PIONEERS PARK AND FOR COMMUTER/RECREATION TRAILS - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 12.08.070 of the Lincoln Municipal Code to change the regular hours parks are open to the public from 6:00 a.m. to Midnight, to 5:00 a.m. to 11:00 p.m., and establishing hours of operation for pioneers park and for Commuter/Recreation Trails, the second time.

CHANGE OF ZONE 3386 - APPLICATION OF GARY AND CAROLYN CHRISTENSEN AND DELISI BROTHERS, INC. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. CODDINGTON AVE. AND W. O STREET - PRIOR to reading:

SENG Moved to continue public hearing on Bill No. 03-36 for one week to March 10, 2003.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Glenn Friendt, for a Change of Zone 3386, Application of Gary and Carolyn Christensen and Delisi Brothers, Inc. for a Change of Zone from H-3 Highway Commercial to I-1 Industrial on property generally located Southwest of S. Coddington Ave. and W. O Street, the second time.

RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY, COUNTY, AND UNITED WAY FOR THE IMPLEMENTATION OF THE COMMUNITY BASED HUMAN NEEDS ASSESSMENT IN CONNECTION WITH THE UNIVERSITY OF NEBRASKA PUBLIC POLICY CENTER - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81958 WHEREAS, the City Council of Lincoln, Nebraska, acting under Article VIII, Section 19 of the Home Rule Charter for said City, has created Sidewalk Improvement District No. 94 through passage of Ordinance No. 18127 which sidewalk improvement district includes the area bounded on the north by Fletcher Avenue; on the east by 84th Street; on the south by Yankee Hill Road; and on the west by Northwest 27th Street.

WHEREAS, it is deemed necessary for the general health, welfare and safety of the City of Lincoln, and more so for the health, welfare and safety of the benefitted property included within Sidewalk Improvement District No. 94 that said district be constructed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that Sidewalk Improvement District No. 94 is hereby ordered constructed.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING ROB D. HACKWITH TO THE CABLE ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81959 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Rob D. Hackwith to the Cable Advisory Board to fill an unexpired term expiring July 1, 2003 is hereby

approved.

Introduced by Annette McRoy
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL
OBLIGATION BOND ISSUE, NOT MORE THAN TEN MILLION DOLLARS, FOR EXTENSION
OF IMPROVEMENTS TO THE CITY'S STORM SEWER AND DRAINAGE SYSTEM AT THE MAY
6, 2003, CITY GENERAL ELECTION - CLERK read the following resolution,
introduced by Annette McRoy, who moved its adoption:

A-81960 WHEREAS, in order to fund necessary improvements to and extensions
of the City of Lincoln's existing storm sewerage and drainage system, it
is necessary to issue general obligation bonds and to levy a tax for the
payment thereof, and

WHEREAS, it is in the best interests of the City of Lincoln to
present the question of the issuance of such bonds and the levying of a
tax to pay the same to the electors at the city general election to be
held on Tuesday, May 6, 2003.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council")
of the City of Lincoln, Nebraska (the "City") as follows:

1. The Council hereby finds and determines that:
 - a. It is necessary, desirable, advisable and in the best
interests of the City to make improvements to and
extensions of its existing storm sewerage and drainage
system, which improvements and extensions (the
"Improvements") shall include, but shall not
necessarily be limited to, some or all of the
improvements and extensions generally described in
Attachment 1 appended hereto and made a part hereof by
reference.
 - b. The estimated cost to the City of completing the
Improvements will be not less than Nine Million Eight
Hundred Thousand Dollars (\$9,800,000.00), and in order to
finance the cost thereof, it will be necessary for the City
to issue its general obligation bonds in the principal
amount of not to exceed Ten Million Dollars (\$10,000,000),
such bonds to be dated at the time of their issuance, and to
become due and payable on such dates, bear interest at such
rates, and to have such other terms as may be fixed by the
City at the time of their issuance.
 - c. It will be necessary to cause to be levied and
collected annually a tax in addition to all other
taxes upon the taxable property in the City sufficient
to pay the principal and interest accruing on such
general obligation bonds as the same become due.
 - d. It is in the best interests of the citizens of the
City to present the question of the issuance of such general
obligation bonds and the levying of a tax to pay the same to
the duly qualified electors of the City at the general city
election to be held on May 6, 2003.
2. The following proposition shall be submitted to the
qualified electors of the City at the city general election to be
held on May 6, 2003.

(FORM OF BALLOT)

STORM SEWER IMPROVEMENT BOND ISSUE

STATE OF NEBRASKA

CITY OF LINCOLN

OFFICIAL BALLOT

CITY GENERAL ELECTION - MAY 6, 2003

GENERAL OBLIGATION BONDS

"SHALL THE CITY OF LINCOLN, NEBRASKA, ISSUE ITS GENERAL OBLIGATION
BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000 FOR THE
PURPOSE OF PAYING COSTS INCIDENT TO THE CONSTRUCTION, INSTALLATION

AND COMPLETION OF IMPROVEMENTS AND EXTENSIONS TO THE CITY'S STORM
SEWER AND DRAINAGE SYSTEM, SUCH BONDS TO BE DATED AT THE TIME OF
THEIR ISSUANCE AND TO BECOME DUE AND PAYABLE ON SUCH DATES, BEAR
INTEREST AT SUCH RATES, AND HAVE SUCH OTHER TERMS AS MAY BE FIXED BY
THE CITY AT THE TIME OF THEIR ISSUANCE; AND

"SHALL THE CITY CAUSE TO BE LEVIED AND COLLECTED ANNUALLY A TAX IN
ADDITION TO ALL OTHER TAXES UPON THE TAXABLE PROPERTY IN THE CITY

SUFFICIENT IN RATE AND AMOUNT TO PAY THE PRINCIPAL OF AND INTEREST
ON SAID BONDS AS THE SAME BECOME DUE AND PAYABLE?"

VOTE FOR or AGAINST

☐

FOR said General Obligation Bonds and Tax Levy.

☐

AGAINST said General Obligation Bonds and Tax Levy.

Voters desiring to vote in favor of the proposition shall mark in the square opposite the words "FOR said General Obligation Bonds and Tax Levy." Voters desiring to vote against the proposition shall mark in the square opposite the words "AGAINST said General Obligation Bonds and Tax Levy."

3. The City Clerk shall cause a notice of said election to be given as provided by Article III, Section 1 of the Charter of the City as required by law; and the Mayor be and is hereby directed to proclaim and give notice that at the city general election to be held in the City on Tuesday, May 6, 2003, there will be submitted to the qualified electors of the City, for adoption or rejection, the general obligation bond authorization question set forth in paragraph 2 hereof; and the City Clerk is further directed to publish said proclamation as provided by law.

4. The said city general election will be held in each election district within the City and at the polling places designated by the Election Commissioner of Lancaster County, Nebraska.

5. The City Clerk is further directed to notify the Election Commissioner of Lancaster County of the city general election and the general obligation bond authorization question set forth in paragraph 2 hereof, and to procure the necessary ballots and make all other necessary arrangements for the same.

6. The polling places for said city general election shall be open from 8:00 a.m. to 8:00 p.m. on Tuesday, May 6, 2003, and a copy of the general obligation bond authorization question to be submitted shall be posted at each place of voting during the hours said polls are open.

7. Said city general election shall be conducted in accordance with the Charter of the City and the laws of the State of Nebraska applicable to such elections for cities of the primary class, and the ballots shall be counted, the returns made, and the results canvassed as provided for by law, and all such steps shall be taken as are provided by law in the ascertainment of the results of said election.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ORDERING SIDEWALK IMPROVEMENT DISTRICT 94 CONSTRUCTED IN THE AREA BOUNDED ON THE NORTH BY FLETCHER AVE., ON THE EAST BY 84TH STREET, ON THE SOUTH BY YANKEE HILL ROAD, AND ON THE WEST BY N.W. 27TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81961 WHEREAS, the City Council of Lincoln, Nebraska, acting under Article VIII, Section 19 of the Home Rule Charter for said City, has created Sidewalk Improvement District No. 94 through passage of Ordinance No. 18127 which sidewalk improvement district includes the area bounded on the north by Fletcher Avenue; on the east by 84th Street; on the south by Yankee Hill Road; and on the west by Northwest 27th Street.

WHEREAS, it is deemed necessary for the general health, welfare and safety of the City of Lincoln, and more so for the health, welfare and safety of the benefitted property included within Sidewalk Improvement District No. 94 that said district be constructed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that Sidewalk Improvement District No. 94 is hereby ordered constructed.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

AUTHORIZING NADER SEPAHPUR DBA OSOBURRITO TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 1451 O STREET FOR USE AS A SIDEWALK CAFÉ - PRIOR to reading:

SENG Moved to continue public hearing & delay action of Bill No. 03R-47 for one week to March 10, 2003.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY FOR IMPROVEMENTS IN HOLDREGE STREET,

REGULAR MEETING
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EAST OF 84TH STREET IN CONNECTION WITH THE DEVELOPMENT OF MORNING GLORY ESTATES - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81962 WHEREAS, the City Council of Lincoln, Nebraska, acting under Article VIII, Section 19 of the Home Rule Charter for said City, has created Sidewalk Improvement District No. 94 through passage of Ordinance No. 18127 which sidewalk improvement district includes the area bounded on the north by Fletcher Avenue; on the east by 84th Street; on the south by Yankee Hill Road; and on the west by Northwest 27th Street.

WHEREAS, it is deemed necessary for the general health, welfare and safety of the City of Lincoln, and more so for the health, welfare and safety of the benefitted property included within Sidewalk Improvement District No. 94 that said district be constructed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that Sidewalk Improvement District No. 94 is hereby ordered constructed.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING MOOSE LOYAL ORDER 175 AT 4901 N. 56TH STREET AS A KENO SATELLITE SITE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81963 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Moose Loyal Order 175, 4901 North 56th Street, Lincoln, NE 68504.

The City Clerk is directed to return an executed copy of this Resolution to Moose Loyal Order 175, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF G & C ADDITION FOR 15 LOTS AND 1 OUTLOT, WITH WAIVERS OF THE REQUIRED STREET FRONTAGE, STREET PAVING, CURB AND GUTTER, SIDEWALKS, STREET TREES, AND TURNAROUND AT DEAD-END STREETS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. CODDINGTON AVE. AND W. O STREET.(IN CONNECTION W/03-36) - PRIOR to reading:

SVOBODA Moved to continue public hearing & delay action of Bill No. 03R-50 for one week to March 10, 2003.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1968 - APPLICATION OF THE CARROL C. KETELHUT IRREVOCABLE TRUST TO DEVELOP PIONEER RIDGE COMMUNITY UNIT PLAN CONSISTING OF 7 SINGLE FAMILY ACREAGES ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PIONEER BLVD.(IN CONNECTION W/03R-52) - PRIOR to reading:

WERNER Moved to continue public hearing & delay action of Bill No. 03R-51 for one week to March 10,2003.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PIONEER RIDGE CONSISTING OF 7

LOTS AND 3 OUTLOTS, WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PIONEERS BLVD.(IN CONNECTION W/03R-51) - PRIOR to reading:

WERNER Moved to continue public hearing & delay action of Bill No. 03R-52 for one week to March 10, 2003.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1971 - APPLICATION OF VALCOM WIRELESS CORP. TO INSTALL A 143' WIRELESS COMMUNICATIONS FACILITY WITH FIVE CARRIERS, WITH WAIVERS OF THE FALL ZONE AND LANDSCAPING, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HAVELOCK AVE. AND CORNHUSKER HWY. - PRIOR to reading:

WERNER Moved to continue public hearing & delay action of Bill No. 03R-53 for one week to March 10, 2003.
Seconded by Seng & LOST by the following vote: AYES: Cook, Seng, Werner; NAYS: Camp, Friendt, McRoy, Svoboda.

WERNER Moved to continue public hearing & delay action of Bill No. 03R-53 for one week to March 10, 2003 so that Planning Staff can find a way to landscape the entry way.
Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Werner; NAYS: Camp, Svoboda.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF FEBRUARY 1 - 15, 2003 - PRIOR to reading:

MCROY Moved to amend Bill No. 03R-54 by reducing the amount allowed for Lanny R. Goering to \$500.00.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81964 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated February 18, 2003, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED</u>	
Clifford L. Stevens	\$ 514.28	Lanny R. Goering	<u>\$500.00</u> \$1,416.00
Ron Lou Miller	50,789.90	Allied Insurance Company	
Fred Placzek	249.87	(Ralph Wiegart, Insured)	823.42
		AMCO Insurance Company	
		(Mike Anderson, Insured)	549.92
		Kari Martens	445.61
		Robert Cunningham	500.00
		Edward Settles	125.86
		Douglas Nabity	600.00

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Annette McRoy
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE BROOM FACTORY REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND B&J PARTNERSHIP FOR THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 1025 AND 1017 N. 27TH STREET - PRIOR to reading:

MCROY Moved to accept a replacement Exhibit "D".
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81965 WHEREAS, the City Council, on June 19, 2000, adopted Resolution No. A-80238 finding an area generally bounded by "N" Street on the south; the viaduct over the Burlington Northern Santa Fe right-of-way, parallel to

Cornhusker Highway on the north; 23rd Street on the west; and 31st Street on the east to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, on August 23, 2002 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on September 4, 2002 before the Lincoln City -Lancaster County Planning Commission regarding the North 27th Street Redevelopment Plan; and

WHEREAS, said proposed North 27th Street Redevelopment Plan was submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on October 2, 2002 found the plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on October 18, 2002 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on October 28, 2002 regarding the proposed North 27th Street Redevelopment Plan; and

WHEREAS, on October 11, 2002 and October 18, 2002 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on October 28, 2002 regarding the proposed North 27th Street Redevelopment Plan; and

WHEREAS, on October 28, 2002 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed North 27th Street Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council after the hearing on October 28, 2002 duly considered all statements made and materials submitted relating to said Amendment and specifically found among other things that the costs and benefits of the Redevelopment Projects, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services were in the long-term best interest of the community impacted by the same.

WHEREAS, The City Council directed that the Urban Development Director or his authorized representative to take all steps necessary to implement the provisions of said Amendment; and

WHEREAS, the City advertised for and requested redevelopment proposals for the Redevelopment of the proposed redevelopment site along North 27th Street in the area generally bounded by the former MoPac (UP) Railroad ROW on the south to Y street on the north (Broom Factory); and

WHEREAS, in August of 2001 the City received and reviewed, using a selection committee process, three RFP's for the Project, selecting B & J Partnership, Ltd as the redeveloper of record according to the Community Development Law in September, 2001; and

WHEREAS, B & J Partnership, Ltd. and the City have negotiated and are desirous of entering into the attached "Broom Factory Redevelopment Agreement."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska and considering: (a) the tax shifts from the use of Community Improvement Financing as authorized in § 18-2147; (b) the community's public service needs impacts and local tax impacts arising

from the approval of the project; (c) impacts on employers and employees of firms locating or expanding within the boundaries of the project area; (d) impacts on other employers and employees in the City and immediate area outside the project area; and (e) other impacts the City Council hereby determines to be relevant to the consideration of costs and benefits arising from the redevelopment project:

1. That the attached Broom Factory Redevelopment Agreement between the City of Lincoln and B & J Partnership, Ltd. for the redevelopment of the Broom Factory, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

2. The City Clerk is directed to return one fully executed copy

of the Agreement to B & J Partnership and one copy to the Urban Development Department.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MARCH 17, 2003 FOR MAN. APP. OF MARK JOHNSON FOR VINCENZO'S INC. DBA VINCENZO'S RISTORANTE AT 808 P STREET #100 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81966 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 17, 2003, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, Ne, for the Man. App. of Mark Johnson for Vincenzo's Inc. dba "Vincenzo's Ristorante" located at 808 P Street, #100.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; CONFLICT OF INTEREST: Camp.

SPECIAL PERMIT 1988 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM, AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION TO DEVELOP TAMARIN RIDGE COMMUNITY UNIT PLAN CONSISTING OF 441 DWELLING UNITS, WITH WAIVERS OF THE REQUIRED MAXIMUM HEIGHT, TO DEFER REVIEW AND APPROVAL OF SITE PLANS, GROUND SIGNS, AND LANDSCAPE PLANS TO THE TIME OF BUILDING PERMITS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE ROAD.(In connection w/03-31, 03R-39, 03R-40, 03R-41) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81968 WHEREAS, Susan and Donald Brouse, Thomas Folsom and National Bank of Commerce Trust and Savings Association have submitted an application designated as Special Permit No. 1988 for authority to develop Tamarin Ridge Community Unit Plan consisting of approximately 441 dwelling units with waivers of the maximum height and to defer review and approval of site plans, ground signs, and required landscape plans for the multi-family dwellings to the time of building permits, on property located at southwest of the intersection of South 27th Street and Porter Ridge Road, and legally described to wit:

A portion of Lot 32 I.T., located in the Northeast Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of Lot 32 I.T.; thence in an easterly direction on the northerly line of said Lot 32 I.T. and on an assumed bearing of south 89 degrees 36 minutes 22 seconds east, a distance of 1808.33 feet; thence south 00 degrees 23 minutes 38 seconds west, a distance of 571.38 feet; thence south 72 degrees 29 minutes 32 seconds east, a distance of 265.60 feet; thence south 89 degrees 40 minutes 59 seconds east, a distance of 198.45 feet; thence south 00 degrees 19 minutes 01 seconds west, a distance of 311.00 feet; thence north 89 degrees 40 minutes 59 seconds west, a distance of 66.79 feet; thence on a curve to the right having a radius of 300.00 feet, central angle of 42 degrees 20 minutes 11 seconds, on a chord bearing of north 68 degrees 30 minutes 53 seconds west, a chord distance of 216.66 feet to the point of reverse curve; thence on a curve to the left having a radius of 300.00 feet, central angle of 51 degrees 31 minutes 30 seconds, on a chord bearing of north 73 degrees 06 minutes 32 seconds west, a chord distance of 260.79 feet to the point of tangency; thence south 81 degrees 07 minutes 43 seconds west, a distance of 149.59 feet; thence on a curve to the right having a radius of 450.00 feet, central angle of 43 degrees 07 minutes 47 seconds, on a chord bearing of north 30 degrees 26 minutes 11 seconds west, a distance of 330.80 feet to the point of tangency; thence north 52 degrees 00 minutes 04 seconds

west, a distance of 320.91 feet; thence on a curve to the left having a radius of 250.00 feet, central angle of 52 degrees 23 minutes 43 seconds on a chord bearing of south 64 degrees 11 minutes 47 seconds west, a distance of 220.73 to the point of tangency; thence north 89 degrees 36 minutes 22 seconds west, a distance of 131.66 feet; thence south 00 degrees 23 minutes 38 seconds west, a distance of 150.00 feet; thence north 89 degrees 36 minutes 22 seconds west, a distance of 369.00 feet; thence south 84 degrees 57 minutes 13 seconds west, a distance of 52.59 feet; thence south 66 degrees 15 minutes 06 seconds west, a distance of 48.63 feet; thence south 47 degrees 35 minutes 46 seconds west, a distance of 48.62 feet; thence north 51 degrees 43 minutes 51 seconds west, a distance of 150.00 feet; thence on a curve to the left having a radius of 300.00 feet, a central angle of 21 degrees 46 minutes 49 seconds, on a chord bearing of south 27 degrees 22 minutes 45 seconds west, a chord distance of 113.36 feet; thence south 73 degrees 30 minutes 40 seconds east, a distance of 150.00 feet; thence south 06 degrees 58 minutes 45 seconds west, a distance of 50.55 feet; thence south 00 degrees 12 minutes 31 seconds east, a distance of 329.70 feet; thence south 06 degrees 38 minutes 21 seconds west, a distance of 30.00 feet; thence on a curve to the right having a radius of 150.00 feet, a central angle of 83 degrees 40 minutes 41 seconds, on a chord bearing of south 41 degrees 31 minutes 19 seconds east, a chord distance of 200.11 feet to the point of tangency of said curve; thence south 00 degrees 19 minutes 01 seconds west, a distance of 59.94 feet to a point on the south line of Lot 32 I.T.; thence along the south line of Lot 32 I.T. north 89 degrees 40 minutes 59 seconds west, a distance of 428.00 feet to the southwest corner of Lot 32 I.T.; thence along the westerly line of Lot 32 I.T. on a bearing of north 00 degrees 12 minutes 31 seconds west, a distance of 1327.62 feet to the point of beginning and containing a calculated area of 1,399,012.66 square feet, or 32.12 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Susan and Donald Brouse, Thomas Folsom and National Bank of Commerce Trust and Savings Association, hereinafter referred to as "Permittee", to develop Tamarin Ridge Community Unit Plan, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 441 dwelling units.
2. This permit approves a waiver to the maximum height in the R-4 Zoning District from 35' to 45'.
3. The Planning Director is hereby authorized to approve the site plans, ground signs, and required landscape plans for the multi-family dwellings at the time building permits are issued.
4. Before receiving building permits:
 - a. A recreation plan must be approved which includes recreation facilities for small children on-site with the apartments.
 - b. A site plan showing building layout, including a landscape plan showing all required landscaping and the required screening for apartments, and any proposed signs.
 - c. The construction plans must conform to the approved plans.
5. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
6. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
8. The terms, conditions, and requirements of this resolution

shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF TAMARIN RIDGE CONSISTING OF APPROXIMATELY 78 LOTS AND 2 OUTLOTS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE ROAD. (In connection w/03-31, 03R-38, 03R-40, 03R-41) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81969 WHEREAS, Susan and Donald Brouse, Thomas Folsom and National Bank of Commerce Trust and Savings Association have submitted the preliminary plat of **TAMARIN RIDGE** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated December 12, 2002, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of **TAMARIN RIDGE**, located southwest of the intersection of South 27th Street and Porter Ridge Road as submitted by Susan and Donald Brouse, Thomas Folsom and National Bank of Commerce Trust and Savings Association is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1989 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION TO ALLOW APPROXIMATELY 115,000 SQ. FT. OF OFFICE/COMMERCIAL SPACE, INCLUDING AN AUTOMOBILE DEALERSHIP, WITH WAIVERS TO THE FRONT, SIDE AND REAR YARD SETBACKS AND TO DEFER REVIEW AND APPROVAL OF SITE PLANS, GROUND SIGNS AND REQUIRED LANDSCAPE PLANS UNTIL THE TIME OF BUILDING PERMITS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE ROAD. (In connection w/03-31, 03R-38, 03R-39, 03R-41) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81970 WHEREAS, Susan and Donald Brouse, Thomas Folsom and National Bank of Commerce Trust and Savings Association have submitted an application designated as Special Permit No. 1989 for authority to develop a planned service commercial development consisting of approximately 115,000 sq. ft. of office/commercial floor area, including an automobile dealership, with waivers to the required front, side, and rear yard setbacks, and to defer the review and approval of site plans, ground signs, and required landscape plans to the time of building permits, on property located at southwest of the intersection of South 27th Street and Porter Ridge Road, and legally described to wit:

A portion of Lot 32 I.T., located in the South Half of the Northeast Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of Lot 32 I.T. on an assumed bearing along the westerly right-of-way of South 27th Street, south 01 degrees 06 minutes 54 seconds west, a distance of 117.55 feet; thence south 01 degrees 04 minutes 03 seconds west, a distance of 450.08 feet; thence south 05 degrees 42 minutes 20 seconds west, a distance of 74.08 feet; thence south 01 degrees 55 minutes 16 seconds east, a distance of 7.51 feet; thence north 89 degrees 40 minutes 59 seconds west, a distance

of 514.04 feet; thence north 72 degrees 29 minutes 32 seconds west, a distance of 265.60 feet; thence north 00 degrees 23 minutes 38 seconds east, a distance of 571.38 feet to a point on the northerly line of Lot 32 I.T.; thence along the northerly lot line of Lot 32 I.T. south 89 degrees 36 minutes 22 seconds east, a distance of 781.21 feet to the point of beginning and containing a calculated area of 494,526.19 square feet or 11.35 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this office/commercial development will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Susan and Donald Brouse, Thomas Folsom and National Bank of Commerce Trust and Savings Association, hereinafter referred to as "Permittee", to develop a planned service commercial development consisting of approximately 115,000 sq. ft. of office/commercial floor area, including an automobile dealership, with waivers to the required front, side, and rear yard setbacks, and to defer the review and approval of site plans, ground signs, and required landscape plans to the time of building permits, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said planned service commercial development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 115,000 square feet of retail/commercial floor area including 80,000 square feet of floor area for an automotive dealership.
2. This permit approves a waiver of the front yard setback along South 27th Street from 50 feet to 40 feet.
3. This permit approves a waiver of the side yard setback from 50 feet to 10 feet except along the north property line where the setback reduction is from 50 feet to 20 feet.
4. The Planning Director is hereby authorized to approve the site plans, ground signs, and required landscape plans at the time building permits are issued.
5. Before receiving building permits:
 - a. A site plan showing building layout, including a landscape plan showing all required landscaping and any proposed signs.
 - b. The construction plans must conform to the approved plans.
 - c. A formal agreement concerning the developer's obligation for traffic improvements to the surrounding arterial street system.
6. Before occupying any buildings all development and construction must be completed in conformance with the approved plans.
7. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
8. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
9. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
10. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

USE PERMIT 147 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION TO DEVELOP 26,500 SQ. FT. OF OFFICE SPACE, INCLUDING A DRIVE-THRU BANK FACILITY, AND TO DEFER REVIEW AND APPROVAL OF SITE PLANS, GROUND SIGNS AND REQUIRED LANDSCAPE PLANS UNTIL THE TIME OF BUILDING PERMITS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE ROAD. (In connection w/03-31, 03R-38, 03R-39,03R-40) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81971 WHEREAS, Susan and Donald Brouse, Thomas Folsom, and National Bank of Commerce Trust and Savings Association has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 147 for authority to construct 26,500 sq. ft. of office space, including a drive-thru bank facility, and to defer the review and approval of site plans, ground signs, and required landscape plans to the time of building permits, on property generally located southwest of the intersection of South 27th Street and Porter Ridge Road and legally described to wit:

A portion of Lot 32 I.T. located in the South Half of the Northeast Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the northeast corner of Lot 32 I.T. on an assumed bearing along the westerly right-of-way of South 27th Street, south 01 degrees 06 minutes 54 seconds west, a distance of 117.55 feet; thence south 01 degrees 04 minutes 03 seconds west, a distance of 450.08 feet; thence south 05 degrees 42 minutes 20 seconds west, a distance of 74.08 feet; thence south 01 degrees 55 minutes 16 seconds east, a distance of 7.51 feet to the point of beginning; thence continuing along the westerly right-of-way of South 27th Street south 01 degrees 55 minutes 16 seconds east, a distance of 311.24 feet; thence north 89 degrees 40 minutes 59 seconds west, a distance of 327.75 feet; thence north 00 degrees 19 minutes 01 seconds east, a distance of 311.00 feet; thence south 89 degrees 40 minutes 59 seconds east, a distance of 315.60 feet to the point of beginning and containing a calculated area of 100,040.42 square feet or 2.30 acres more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this development of office space will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Susan and Donald Brouse, Thomas Folsom, and National Bank of Commerce Trust and Savings Association, hereinafter referred to as "Permittee", to construct 26,500 sq. ft. of office space, including a drive-thru bank facility, and to defer the review and approval of site plans, ground signs, and required landscape plans to the time of building permits on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said office building be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 26,500 square feet of office floor space which includes 4,500 square feet of floor area for a drive-thru bank facility.

2. The Planning Director is hereby authorized to approve the site plans, ground signs, and required landscape plans at the time building permits are issued.

3. Before receiving building permits:

a. The Permittee must submit a revised site plan showing building layout, including a landscape plan showing all required landscaping and screening, and any proposed

- signs.
- b. The construction plans must conform to the approved plans.
 - c. A formal agreement concerning the developer's obligation for traffic improvements to the surrounding arterial street system.
4. Before occupying the buildings all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
6. The site plan approved by the permit shall be the basis for all interpretations of setbacks, yards, locations, of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON FEBRUARY 24, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JANUARY 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81967 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended January 31, 2003, \$207,280.73 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to

the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS JANUARY 31, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

APPROVING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE WATER CONSTRUCTION FUND AND STREET CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Annette McRoy, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain improvement projects within the Water Construction Fund and Street Construction Fund, the first time.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH AN OCCUPATION TAX OF \$7.00 PER TON ON REFUSE AND SPECIAL WASTE COLLECTED WITHIN THE CITY

AND \$7.00 PER TON OCCUPATION TAX ON REFUSE AND SPECIAL WASTE COLLECTED OUTSIDE THE CORPORATE LIMITS OF THE CITY AND WITHIN LANCASTER COUNTY THAT IS DEPOSITED IN THE CITY'S SANITARY LANDFILL - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 8.32 of the Lincoln Municipal Code relating to solid wastes by amending Section 8.32.010 to amend the definition of "refuse" to include building rubbish and demolition debris and to add a definition of "refuse hauler"; amending Section 8.32.060 to delete the reference to "construction rubble" and to insert in lieu thereof references to "building rubbish" and "demolition debris"; amending Section 8.32.100 to limit the use to which landfill fees may be devoted; amending Section 8.32.110 relating to refuse haulers to provide exceptions to the licensing requirement; amending Section 8.32.150 relating to occupation taxes by eliminating the annual occupation tax of \$100 and providing for an occupation tax of \$7.00 per ton on all refuse collected within the corporate limits of the city or any other refuse deposited at the public sanitary landfills, requiring quarterly reports on tonnage collected, directing that all refuse vehicles be weighed at the public sanitary landfill at 56th Street and Bluff Road or at such other scales approved by the Director of Public Works and Utilities; repealing Section 8.32.170 regarding revocation of and suspension of licenses; amending Section 8.32.330 to eliminate appeal provisions and provide for immediate suspension of limited landfill permits when health hazards exist; amending Section 8.32.340 to revise the appeal procedure for persons aggrieved by the suspension, revocation, or denial of a license or permit under Chapter 8.32; repealing Section 8.32.350 regarding the appeal procedure; and repealing Sections 8.32.010, 8.32.060, 8.32.100, 8.32.110, 8.32.150, 8.3.330, and 8.32.340 of the Lincoln Municipal Code as hitherto existing; and providing an operative date of June 1, 2003, the first time.

CHANGE OF ZONE 3393 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 1019 NORTH 27TH STREET - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the City Council of the City of Lincoln, Nebraska, the first time.

ORDINANCES - 3RD READING

AMENDING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POWERS AND DUTIES OF THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD TO AUTHORIZE THE LINCOLN ELECTRIC SYSTEM TO PROVIDE TELECOMMUNICATIONS SERVICES. (2/24/03 - PUBLIC HEARING & ACTION CONTINUED TO 3/3/03) - PRIOR to reading:

FRIENDT Moved to amend Bill No. 03-32 to have LES provide lighted fiber on a wholesale basis to certificated telecom carriers.

Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy Seng, Werner.

CAMP Moved to delay action on Bill No. 03-32 to June 30, 2003.

Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy Seng, Werner.

CLERK Read an ordinance, introduced by Terry Werner, amending Section 4.24.070 of the Lincoln Municipal Code relating to the powers and duties of the Lincoln Electric System Administrative Board to authorize the Lincoln Electric System to provide Telecommunications Service; and repealing Section 4.24.070 of the Lincoln Municipal Code as hitherto existing, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Werner; NAYS: Camp, Svoboda.

The ordinance, being numbered **#18138**, is recorded in Ordinance Book 25, Page

CREATING PAVING DISTRICT NO. 2625 IN NORTH 57TH STREET BETWEEN FREMONT STREET AND HARTLEY STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - PRIOR to reading:

SENG Moved to amend Bill No. 03-27 by deleting the period in line 20, page 1, after the word "thereof" & inserting in lieu thereof a semi-colon & adding the following language: provided, however, that such special assessments shall be paid out of the CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's median income.

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Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Terry Werner, creating Paving District No. 2625 in North 57th Street between Fremont Street and Hartley Street and assessing the costs thereof against the benefitted properties, the third time.

WERNER Moved to pass the ordinance as amended.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18139**, is recorded in Ordinance Book 25, Page

CREATING WATER DISTRICT NO. 1190 IN N.W. 6TH STREET FROM WEST DAWES TO WEST SAUNDERS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read the following ordinance, introduced by Terry Werner, creating Water District No. 1190 in N.W. 6th Street from West Dawes to West Saunders and assessing the costs thereof against the benefitted properties, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18140**, is recorded in Ordinance Book 25, Page

AMENDING CHAPTER 8.46 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE CUTTING HEIGHT FOR VEGETATION FROM SIX INCHES TO TWELVE INCHES - CLERK read the following ordinance, introduced by Terry Werner, amending Chapter 8.46 of the Lincoln Municipal Code to change the cutting height for vegetation from six inches to twelve inches, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Seng & **LOST** by the following vote: AYES: None; NAYS: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner.

The ordinance, having **LOST**, was assigned File **#38-4438**, & was placed on file in the Office of the City Clerk.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND WORKNET/CAREER DESIGN, INC. FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read the following ordinance, introduced by Terry Werner, approving a sublease agreement between the City and WORKNET/Career Design, Inc. for a sublease of space at the One Stop Center, 1010 N Street, to provide job training and employment services under the Workforce Investment Act, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18141**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3381 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, R-4 RESIDENTIAL, P PUBLIC USE, H-4 GENERAL COMMERCIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF S. 27TH STREET AND PORTER RIDGE ROAD. (IN CONNECTION W/03R-38, 03R-39, 03R-40, 03R-41) - CLERK read the following ordinance, introduced by Terry Werner, for a Change of Zone 3381 - application of Susan and Donald Brouse, Thomas Folsom and National Bank of Commerce Trust and Savings Association for a Change of Zone from AG Agricultural to R-3 Residential, R-4 Residential, P Public Use, H-4 General Commercial and O-3 Office Park on property generally located southwest of the intersection of S. 27th Street and Porter Ridge Road, the third time.

WERNER Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18142**, is recorded in Ordinance Book 25, Page

AMENDING SECTION 5.04.066(C) OF THE LINCOLN MUNICIPAL CODE TO ALLOW SPECIAL DESIGNATED LICENSES (SDLS) FOR GOLF-RELATED EVENTS AT THE FOUR 18-HOLE CITY GOLF COURSES AND AUTHORIZING THE CITY CLERK TO APPROVE SUCH SPECIAL DESIGNATED LICENSES - CLERK read the following ordinance, introduced by Terry Werner, amending Section 5.04.066(C) of the Lincoln Municipal Code to allow special designated licenses (SDLS) for golf-related events at the four 18-hole city golf courses and authorizing the City Clerk to approve such special designated licenses, the third time.

WERNER Moved to pass the ordinance as read.
 Seconded by Seng & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Seng, Werner; NAYS: Svoboda.
The ordinance, being numbered **#18143**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 10, 2003.
 Seconded by Seng & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
 March 10, 2003.
 Seconded by Seng & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

7:38 P.M.

CAMP Moved to adjourn the City Council meeting of March 3, 2003.
 Seconded by Seng & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
 So ordered.

Joan Ross, City Clerk

Judy Roscoe, Senior Office Assistant

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